

Remarks

In response to the Office Action mailed on May 3, 2007, the Applicant respectfully requests reconsideration in view of the following remarks. In the present application, independent claims 1, 17, and 31 have been amended and new claim 33 has been added. Claims 1, 17, and 31 have been amended to clarify that the time block designation comprises a predetermined period of time comprising a portion of a twenty-four hour period for which the telephone plan provides a finite number of minutes for making calls during a recurring period, the recurring period comprising at least one of the following: a calendar day, a calendar week, and a calendar month. Support for this amendment may be found in Fig. 3 and in paragraphs 0035 and 0045 in the Specification. Claim 33 has been added to specify a method for tracking telephone plan minute status. The method includes initializing a first timer, having timer information, including a user-defined time block designation having time limits and a timer usage variable, associated therewith, the time limits comprising time values entered by a user in a user interface, the time values comprising beginning and ending times for the time block; adding time used by a call to the timer usage variable when the call was made within the time block designation associated with the first timer; and notifying a user of predefined timer information wherein the predefined timer information includes the time limits minus a value of the timer usage variable. Support for claim 33 may be found in paragraph 45 in the specification. No new matter has been added.

Claims 1-3, 6-18, 20, 22, 31, and 32 are pending in the application. In the Office Action, claims 31-32 are rejected under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling. Claims 1-3, 6-18, 20-22, and 31-32 are rejected under as being unpatentable over Hillson et al. (US 6,094,644, hereinafter "Hillson") in view of McGregor et al. (US 6,198,915, hereinafter "McGregor").

Applicants' Statement of the Substance of the Interview

A telephonic interview between the undersigned representative for the Applicant and the Examiner was held on August 15, 2007 to discuss the rejection of claims 31-32 under 35 U.S.C. 101 and proposed amendments to the claims in view of the cited references Hillson and McGregor. With respect to the 35 U.S.C. 101 rejection, the Examiner appeared to be convinced by arguments by the undersigned representative that

the Applicant's specification provided proper support for the computer-readable medium recited in claims 31-32 and agreed to withdraw the aforementioned rejection in a subsequent Office Action. With respect to the proposed claim amendments, the Examiner agreed with the undersigned representative that the cited references do not appear to disclose the feature of a time block designation comprising a predetermined period of time comprising a portion of a twenty-four hour period for which the telephone plan provides a finite number of minutes for making calls during a recurring period, the recurring period comprising at least one of the following: a calendar day, a calendar week, and a calendar month. The Examiner further agreed with the undersigned representative that the cited references do not appear to disclose the feature of a user-defined time block designation having time limits and a timer usage variable, associated therewith, the time limits comprising time values entered by a user in a user interface, the time values comprising beginning and ending times for the time block. In order to further prosecution, it was suggested by the Examiner that claim amendments reciting both of the aforementioned features be submitted for further consideration and/or search.

Claim Rejections - 35 U.S.C. §101

In the Office Action, claims 31-32 are rejected as allegedly being based on a disclosure which is not enabling for reciting "A computer readable medium." In response, it should be noted that a computer readable medium to perform a method for tracking telephone plan minute status is supported in the Applicant's specification in Fig. 2 which shows a computer system 45 having a system memory 49 (i.e., a computer readable medium). Furthermore, paragraphs 0032-0034 discuss a computer system 45 having a system memory 49 for storing data and a tracking module 53 which is an application run by the operating system 51 which may be utilized to track the usage of wireless telephone 21. Based on the foregoing, it is respectfully submitted that the computer readable medium recited in claims 31-32 is enabled by the disclosure and therefore, the rejection of claims 31-32 under 35 U.S.C. §101 should be withdrawn.

Claim Rejections - 35 U.S.C. §103

In the Office Action, claims 1-3, 6-18, 20, 22, 31, and 32 are rejected as being unpatentable over Hillson in view of McGregor. The rejection of these claims is respectfully traversed.

Amended independent claim 1 specifies a method for tracking telephone plan minute status. The method includes initializing a first timer, having timer information, including a time block designation having time limits and a timer usage variable, associated therewith, wherein the time block designation comprises a predetermined period of time comprising a portion of a twenty-four hour period for which the telephone plan provides a finite number of minutes for making calls during a recurring period, the recurring period comprising at least one of the following: a calendar day, a calendar week, and a calendar month; adding time used by a call to the timer usage variable when the call was made within the time block designation associated with the first timer; and notifying a user of predefined timer information wherein the predefined timer information includes the time limits minus a value of the timer usage variable.

It is respectfully submitted that the combination of Hillson and McGregor fails to teach, disclose, or suggest each of the features specified in claim 1. For example, the aforementioned combination fails to disclose that a time block designation comprises a predetermined period of time comprising a portion of a twenty-four hour period for which the telephone plan provides a finite number of minutes for making calls during a recurring period, the recurring period comprising at least one of the following: a calendar day, a calendar week, and a calendar month.

Hillson discusses the recording of actual time used by a service which makes requests for data utilizing timers for recording times during which a plurality of respective services are in operation. Hillson also discusses the storing of predefined rate values and associating these values with each service. See Col. 1, line 37-Col. 2, line 64.

Hillson, however, fails to disclose a time block designation as recited in amended claim 1. The Office Action alleges a time block designation as being disclosed in column 12, lines 24-31 of Hillson, however, it appears that the "time block" is being interpreted as a period of time when a time recording is made of a multimedia service which is in operation while data is received at a data rate within a first range above a threshold rate.

Once the data rate drops below the threshold rate, the time recording stops. In contrast, amended claim 1 specifies that a time block designation comprises a predetermined period of time comprising a portion of a twenty-four hour period for which the telephone plan provides a finite number of minutes for making calls during a recurring period, the recurring period comprising at least one of the following: a calendar day, a calendar week, and a calendar month. Hillson fails to disclose a time block designation based on a telephone plan which provides a finite number of minutes for making calls during a recurring period based on a calendar. As discussed above, Hillson is merely concerned with recording the time utilized by a multimedia service based on the rise and fall of a threshold data rate and thus not based on a recurring calendar period.

McGregor, relied upon in the Office Action for allegedly curing the deficiencies of Hillson, discusses a mobile phone system having internal accounting for the calculation of communication charges on the fly for mobile debit phones with a pre-paid phone credit or a preapproved credit limit that will deactivate the phone if credit is exceeded. The system includes a billing algorithm to account for local charges, roaming charges, long distance charges, international charges, and per call or rate based surcharges. See Col. 2, lines 11-57.

McGregor however, fails to disclose a time block designation comprising a predetermined period of time comprising a portion of a twenty-four hour period for which the telephone plan provides a finite number of minutes for making calls during a recurring period, the recurring period comprising at least one of the following: a calendar day, a calendar week, and a calendar month, as specified in amended claim 1. In contrast, McGregor discusses a system for pre-paid or credit limited mobile units to calculate various communication charges. McGregor further discussed that once a credit limit has been reached, the phone is deactivated (i.e., there is no recurrence). Thus, McGregor fails to disclose a time block designation comprising a portion of a twenty-four hour period for making calls or a telephone plan with a recurring period based on a calendar.

Based on the foregoing, the combination of Hillson and McGregor fails to teach, disclose, or suggest each of the features specified in amended claim 1. Therefore, amended claim 1 is and the rejection of this claim should be withdrawn. Claims 2 and 6-

16 depend from amended claim 1, specify at least the same features, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn. Amended independent claims 17 and 31 specify similar features as amended claim 1 and thus are allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn. Claims 18, 20-22, and 32 depend from amended claims 17 and 31, specify at least the same features, and are thus allowable for at least the same reasons. Therefore, the rejection of these claims should also be withdrawn.

New Claims

Claim 33 specifies a method for tracking telephone plan minute status. The method includes initializing a first timer, having timer information, including a user-defined time block designation having time limits and a timer usage variable, associated therewith, the time limits comprising time values entered by a user in a user interface, the time values comprising beginning and ending times for the time block; adding time used by a call to the timer usage variable when the call was made within the time block designation associated with the first timer; and notifying a user of predefined timer information wherein the predefined timer information includes the time limits minus a value of the timer usage variable.

It is respectfully submitted that neither Hillson nor McGregor, alone or in combination, fails to teach, disclose, or suggest the features specified in claim 33. For example, neither Hillson nor McGregor discloses a user-defined time block designation having time limits comprising time values entered by a user in a user interface, the time values comprising beginning and ending times for the time block. As discussed above, Hillson merely discusses that a time block is a period of time when a time recording is made of a multimedia service which is in operation while data is received at a data rate within a first range above a threshold rate. Thus, Hillson fails to disclose a user-defined time block designation. Similarly, as discussed above, McGregor merely discusses a system for pre-paid or credit limited mobile units to calculate various communication charges until a credit limit has been reached. Thus, McGregor also fails to disclose a

user-defined time block designation. Therefore, based on at least the foregoing reasons, claim 33 is allowable over Hillson and McGregor.

Conclusion

In view of the foregoing amendments and remarks, this application is now in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is invited to call the Applicant's attorney at the number listed below.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(404) 954-5100

Date: August 27, 2007

/Alton Hornsby III/
Alton Hornsby III
Reg. No. 47,299

39262

PATENT TRADEMARK OFFICE